

# ***City Council Meeting Minutes***

**December 3, 2019  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Ashley Stolzmann  
Mayor Pro Tem Dennis Maloney  
Councilmember J. Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh  
Councilmember Jeff Lipton***

**Staff Present:**    ***Heather Balser, City Manager  
Megan Davis, Deputy City Manager  
Emily Hogan, Assistant City Manager for Communications  
& Special Projects  
Megan Pierce, Economic Vitality Director  
Meredyth Muth, City Clerk***

**Others Present:**   ***Kathleen Kelly, City Attorney***

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Stolzmann called for changes to the agenda and hearing none, Councilmember Lipton moved to approve the agenda, seconded by Mayor Pro Tem Maloney. All in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA**

Stephanie Rowe, 631 West Street, stated a parcel of private property recently completed a prairie dog eradication. The public has been trying to save the colony and would like changes to the City's prairie dog policy. She said the property owner has now had a

change of heart. She noted the poison can get into the ecosystem. She would like the City to create a new prairie dog management plan to not allow the use of this poison on both public and private lands. She felt residents want a better policy that allows for healthy balanced ecosystems.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Stolzmann asked for a motion to approve the consent agenda with one amendment to start the meeting on December 12 at 4:45 pm, moved by Councilmember Lipton and seconded by Mayor Pro Tem Maloney. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: November 19, 2019; November 21, 2019***
- C. *Approval of Request for Proposals for 2020 Citizen Survey***
- D. *Approve Changes to December Meeting Schedule***
- E. *Approval of Request for Proposals for 2020 Performance Measures Refinement***
- F. *Authorize Execution of Engagement Letter for Auditing Services with Eide Bailly, LLC***
- G. *Approval for Purchase of Qwiksalt from Compass Materials***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Stolzmann noted the Parade of Lights is this weekend and invited everyone to attend.

### **CITY MANAGER'S REPORT**

City Manager Balser thanked the Public Works operations staff and parks staff for their snow removal last week. She noted this was fourth largest storm in the last four years. She stated plowing continues and deicer is still being applied in the school zones. She thanked the residents for their work removing snow as well.

City Manager Balser also noted the parade of lights this week and added a list of the various associated activities.

### **REGULAR BUSINESS**

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### **DISCUSSION/DIRECTION/ACTION – ROCKY MOUNTAIN METROPOLITAN AIRPORT NOISE MITIGATION CONTRACT EXTENSION AND PLANNING**

Emily Hogan, Assistant City Manager, noted this is an update on the airport noise mitigation project. Louisville and Superior partnered on this project concerning noise from

the Rocky Mountain Metropolitan Airport (RMMA). ABCx2 was hired as aviation consultants. The first phase was a baseline assessment on current conditions and public engagement, industry engagement and strategy development. These strategies were presented on September 30. The consultants have finished the work outlined in phase one.

Staff recommends moving forward with Phase 2 to focus on changes at the local level;

- Prioritize changes to flight operations and procedures/practices that would provide the greatest noise reduction impacts with a focus on flight school operations.
- Continue to work in cooperation with airport stakeholders to implement realistic noise abatement solutions
- Work with the City and Town, RMMA, FAA, and other stakeholder governments to establish a Community Roundtable.

Staff is seeking direction whether to proceed with Phase 2.

Councilmember Lipton asked how the airport fits in with Jefferson County (JeffCo) and Broomfield. The airport is part of JeffCo, but Broomfield has an interest in it also and has some land use regulatory control. Deputy City Manager Davis stated some of the businesses are within Broomfield but airport operations fall to Jefferson County.

Councilmember Lipton stated it seems Broomfield has much of the control and he would like to see a dialogue with Broomfield on the issue of land use.

Mayor Stolzmann stated the operations and everything related to flights are controlled by JeffCo. Councilmember Lipton would like staff to clarify which jurisdiction we should be discussing which items with.

Councilmember Lipton stated our interests are a bit different from Superior. They suffer more from takeoff and landing issues, while Louisville issues are different. He added this should be a high priority for the community. He felt frustrated by the pace this is taking; some of this should be easy to take care of if we get cooperation from the flight schools. We need to get this dialogue started. He challenged staff to move this more quickly.

Mayor Pro Tem Maloney stated Council does support this. He asked which other stakeholders would be in the roundtable. Hogan stated Louisville, Superior, Arvada, Broomfield, Boulder County, Jefferson County and Westminster. Mayor Pro Tem Maloney stated if they are all at the table it could be powerful.

Mayor Pro Tem Maloney asked what role the Superior Louisville Joint Issues Committee could take. Hogan stated one of the first tasks is prioritizing the strategies and the Joint Issues Committee along with a Council member could be instrumental in that. Mayor Pro Tem Maloney stated he likes that idea.

Mayor Pro Tem Maloney would like to see some segue from the consultants leading this to the City leading this process. He agreed moving this along would be appreciated.

Councilmember Fahey agreed with Mayor Pro Tem Maloney and Councilmember Lipton. She added it might be helpful to get the City of Boulder and Westminster in the roundtable. She would also like it to note the health impact of airplane emissions on the communities.

Councilmember Leh agreed. He added he would like to include staff from Joe Neguse's office and a representative from Senator Gardner's office in the process.

Councilmember Dickinson noted it seems there is not a large usage increase in 2017 to 2018 but complaints vastly increased. He asked if there is information from 2018 to 2019 on these. He asked if there was more information on what is driving the increased interest in the noise issue as use has not increased at the same rate as complaints. Hogan stated more current information could be requested.

Councilmember Lipton stated he noticed most of the complaints from Louisville residents are related to private civil aircraft. For us they make the most noise and those flights have gone up almost 80% in that time frame. These flight schools are causing more impacts to us than they used to.

#### Public Comments

Sherry Sommer, 910 South Palisade Court, stated there are weaknesses in the work to date. The process has been slow and while this was happening there have been increases in flight schools and larger aircraft. As volume increases so will noise. There was not enough engagement with the public by the consultants. There is an aviation agreement that has been violated. The consultants need to be listening to the community. If the consultants have a great relationship with airport staff that should carry through in returns to the community. Other elected officials are interested in helping and that should be coordinated with the City. There needs to be more collaboration and residents included.

Betty Solek, 1101 Franklin Avenue, said she is affected by the flight schools. It seems there are planes using the edge of the mesa as a training area. She would like to see these issues addressed by the consultants. The maps from the consultants are difficult to understand. We should consider using a consultant who can give us a wider picture of the impacts by GIS. The consultant did not note why with all of the open space, they continue to fly over residential areas. There is no justification for using our town as a training area.

Brian Hill, Superior resident, stated airport operations continue to increase despite letters from State representatives, Boulder County Commissioners and the FAA suggestion to convene a roundtable. Operations are up year over year. He doesn't see dedication on the part of the airport to be a friendly neighbor. The airport is looking to expand and that is

concerning; the FAA and State are also helping fund this growth. Residents experience increased noise and are not given any information on what or who is flying overhead.

Laurie Mui, 11268 Decatur Circle, Westminster stated she and other Superior residents have been doing research on this for over a year and would be happy to share all of their research with the Council. She feels some of the historical record is not accurate. JeffCo couldn't influence the development in Boulder County. She was disappointed in the consultants and felt the baseline assessment was poor.

Mayor Stolzmann summarized comments: this is a high priority for our residents, we need to better understand the role of all the neighbors particularly Broomfield who has authority over the different pieces of the airport; the general consensus to move forward with Phase 2 with the consultant to pursue the roundtable. Direction is to a roundtable and look at any low hanging fruit on this.

Mayor Pro Tem Maloney stated the Joint Issues Committee should be tasked with working on this to be more efficient. Councilmember Lipton stated his concern with that is it may slow down the process if everything has to go through the committee. Need a commitment to get this moving quickly.

Councilmember Dickinson stated it would surprise him if the Committee didn't want to address this and it could be a good place to handle this. Councilmember Lipton reiterated the two communities have different impacts. We need to get all the impacted communities involved to have the most political leverage. Most importantly we need to give staff authority to move this quickly and aggressively.

Councilmember Leh agreed with Councilmember Lipton. We need to be able to adjust strategy to address options quickly and be effective.

Mayor Stolzmann stated it appears there is an interest in having updates, things of joint interest go to joint issues committee, have staff get the process started and decide what needs to come back to the full Council, what councilmembers can talk to other community leaders on and if there is a need for a formal committee, one can be formed.

Councilmember Lipton asked if on land use issues if we can be a referral agency from Broomfield so we have notice to changes concerning the airport. The land use aspects are important and we may need consultants dedicated to this specific issue as well.

Mayor Stolzmann asked if this was clear direction. City Manager Balser stated the more people we bring to table could affect the time it takes, longer to build consensus. Staff will bring back this piece and look at other areas where we can be engaging. Staff will take this feedback and work on implementation and then bring back for more discussion.

**ORDINANCE NO. 1786, SERIES 2019 – AN ORDINANCE AMENDING THE  
LOUISVILLE MUNICIPAL CODE TO PROHIBIT THE SALE OF TOBACCO**

**PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES, TO PERSONS UNDER THE AGE OF TWENTY-ONE – 1<sup>st</sup> READING, SET PUBLIC HEARING 12/17/19**

City Attorney Kelly introduced the ordinance by title. Councilmember Fahey asked in the ordinance if someone 18 now would be allowed to continue to purchase, allowing them to be grandfathered in. Attorney Kelly stated that is not in the ordinance.

Councilmember Leh asked about vaping. Deputy City Manager Davis stated the bill allows local governments to allow more stringent regulations than the state regarding tobacco, including vaping. Councilmember Leh asked if there are other substances besides nicotine that need to be regulated related to vaping. Staff will bring additional information on this for second reading.

Councilmember Lipton would like more information on how licensing vaping would work. City Clerk Muth noted it would likely be very much the same as liquor and marijuana licensing. Mayor Stolzmann noted this ordinance was only about raising the age limit.

Councilmember Fahey would like to see a grandfathering in for those already 18 now. Staff will bring more information for second reading.

Mayor Stolzmann asked for a motion to approve on first reading and set the public hearing for December 17<sup>th</sup>; Councilmember Lipton moved to approve the Ordinance No. 1786, Series 2019 on first reading; seconded by Mayor Pro Tem Maloney.

Voice vote, all in favor.

**CITY ATTORNEY'S REPORT**

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

- a. ECONOMIC VITALITY COMMITTEE** – no report
- b. FINANCE COMMITTEE** – Mayor Pro Tem Maloney stated the Finance Committee reviewed the third quarter sales tax information. Collection is up excluding the audit revenue, but inside City tax declined and outside City sales went up significantly. He stated December 16 they will be looking at a 2020 work plan.
- c. LEGAL REVIEW COMMITTEE** – Councilmember Leh stated the Committee met and will be bringing proposals for the filling the Municipal Judge position to Council soon including a recommendation to increase the compensation. They will also bring recommendations for backup judges and prosecuting attorney.

- d. **UTILITY COMMITTEE** – Councilmember Lipton stated they will be meeting in January
- e. **COLORADO COMMUNITIES FOR CLIMATE ACTION** – Councilmember Fahey noted they discussed the work plan for the coming year.
- f. **COMMUTING SOLUTIONS**
- g. **CONSORTIUM OF CITIES**
- h. **DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE** – Councilmember Lipton noted they have been meeting regularly and are planning for next year. His first meeting will be tomorrow afternoon.
- i. **DENVER REGIONAL COUNCIL OF GOVERNMENTS** – Mayor Stolzmann noted there had been an update for the I-70 Coalition reporting on the continuing congestion to the mountains and there has been some success with adding the managed lane. They are looking at adding more lanes and at finding funding for more transit options. An update from CDOT reported there is still a funding shortfall.
- j. **JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE)** –
- k. **REVITALIZATION COMMISSION** – Councilmember Lipton noted although he was unable to attend, he understood the commission approved the TIF agreement for the Terraces in November.
- l. **XCEL ENERGY FUTURES** – Mayor Pro Tem Maloney stated they met yesterday and discussed an EV audit. They are looking forward to Windsource going on line in January and looking at opportunities for 2020.

Mayor Stolzmann stated the employee holiday lunch is tomorrow if anyone can attend.

Councilmember Leh stated the Council may want to consider establishing a Joint Issues Committee with Broomfield.

## **ADJOURN**

Members adjourned at 8:12 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk